

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO. 46 OF 1995**

The State of Maharashtra ..Appellants
versus
Bhagwan Hari Mhatre & ors ..Respondents

Mr. B. R. Patil, AGP for the Appellants - State.
Mr. K. N. Kore for the Respondents.

CORAM : D. G. DESHPANDE, J.

DATE : 17H JANUARY, 2005

ORAL ORDER :

1. Heard learned AGP for the Appellants - State and Mr. Kore learned counsel for the respondents.
2. This appeal is filed challenging the enhancement of compensation to the claimants.
3. The date of notification under Section 4 was 4.12.1970 and under Section 6 it was 19.10.1972. The date of Award was 21.9.1993. The land acquired was 4249 sq.meters of village Gothivali. SLA0 granted compensation at Rs.5.40 per sq. meters. The lower court enhanced it to Rs.12/=. It is this

order of enhancement that is challenged by the State in appeal.

4. Even after hearing learned AGP for the State, there is no ground for reduction of the compensation awarded. Paragraph 11 of the judgment of the lower court is very clear where the lower court relied upon three orders in three references from the same village in respect of the land acquired under the same notification. The courts found that the compensation awarded was Rs.12/- per sq. meter and therefore considering the relevancy of those judgments, the fact that there are of from the same village and the fact that the notification is the same that court awarded Rs.12/- per sq. meter as compensation to the present respondents. There is therefore no reason to reduce the compensation. Hence appeal is dismissed with no order as to costs. Certified copy expedited.

17.1.2005

(D. G. DESHPANDE, J.)